



An
Bord
Pleanála

Board Order ABP-314937-22

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: S254/05/22

Appeal by Emerald Tower Limited care of Entrust Limited of Unit 1D, Deerpark Business Centre, Oranmore, County Galway against the decision made on the 3rd day of October, 2022 by Fingal County Council to refuse a licence.

Licence Application: S254 licence for streetworks solution to address identified mobile and wireless broadband coverage blackspots at public grass verge along the R106 Road (Swords Road), Yellow Walls, (ITM E:720469, N: 746002), Malahide, County Dublin.

Decision

In exercise of the powers conferred on it under section 254 of the Planning and Development Act, 2000, as amended, An Bord Pleanála, directs the planning authority to **GRANT** a licence, based on the reasons and considerations under and subject to the conditions set out below.

REASONS AND CONSIDERATIONS

Having regard to the nature, scale and design of the proposed development, which is a freestanding monopole carrying telecommunications equipment with ancillary ground-mounted infrastructure, the provisions of section 254 of the Planning and Development Act, 2000 (as amended), the Fingal County Development Plan 2023-2029, and the 'Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities (1996) (as updated by Circular Letters PL07/12 and PL11/2020, respectively), it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, or result in a significant negative visual impact on the surrounding vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board also concluded that the proposed development does not fall within a class of development set out in Part 1 or Part 2, Schedule 5 of the Planning and Development Regulations 2001, as amended, and therefore no preliminary examination or EIA is required.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) This licence shall apply for a period of five years from the date of this Order. The telecommunications structure and related ancillary structures shall then be removed unless, prior to the end of the period, continuance shall have been granted for their retention for a further period.
- (b) The site shall be reinstated on removal of the telecommunications structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to, and agreed in writing with, the planning authority at least one month before the date of expiry of this licence.

Reason: To enable the impact of the development to be re-assessed, having regard to changes in technology and design during the specified period.

3. Details of the proposed colour scheme for the telecommunications structure and ancillary structures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

4. (a) An accurate tree survey of the site, which shall be carried out by a suitably qualified arborist, shall be submitted to the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained.
- (b) Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.
- (c) Any works having an impact on trees shall also be overseen by a suitably qualified arborist.

Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.

5. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees adjacent to the site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To secure the protection of the trees on the site.



Joe Boland

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this 14TH day of November 2023